



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

06 September 2019

Candice Garcia
Sent Via Email: 79175-82976215@requests.muckrock.com

Re: NOTICE OF RESPONSE TO FOIA REQUEST FOIA FILE NO.: P518849

Dear Ms. Garcia:

This notice is in response to your request received by the Chicago Police Department for records and information under the Freedom of Information Act (FOIA), 5 ILCS 140 *et seq.* Upon review by the undersigned, it was determined that you are seeking:

"Please provide a log for every time in 2018 "unduly burdensome" was used in response to a FOIA request. In addition, provide the the name of the agency/person requesting the record and accompanying text of their request.

Your request was reviewed by the undersigned. Given the scope of your request, processing such a request would be unduly burdensome as written. FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.

Creating a log where an "exemption denial" was asserted for the calendar year of 2018, generated 943 responsive line items. In order to determine which corresponding line item is responsive to an "unduly burdensome" denial would require substantial review of documentation. Based on the aforementioned search, this task represents an unduly burdensome request for action.

It would be reasonable to expect a trained FOIA officer to take at least two minutes to review one page of responsive documentation. Each "exemption denial" letter is between two and three pages thus generating between 1,886 and 2,829 pages to review to correspond to the respective line item. Between 1,886 and 2,829 pages of responsive documentation would require between approximately 63 and 94 hours. These facts, paired with the short response time allowed by FOIA, make the task of identifying and reviewing responsive records in a timely manner unduly burdensome upon CPD. As a result, CPD has determined that compliance with your request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

At this time your request *as currently written* has been interpreted as unduly burdensome. It should be emphasized that the Act neither requires nor allows CPD to speculate as to the details of any request; this information can only be provided by the petitioner. Pursuant to section 3(g) of FOIA, CPD would like to extend to you an opportunity to modify your request to make it more manageable.

Unless and until a new FOIA request is submitted that specifies what records you are seeking, CPD will be unable to process your petition. CPD encourages you to review your request to ascertain the details of your query, such as relevant dates or types of incidents. Once this is determined, a new FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

You have a right of review by the Illinois Attorney General's Public Access Counselor. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of a denial letter 5 ILCS 140-9.5(a). When filing a Request for Review, you must include a copy of the original FOIA request and a denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court. You can file a request for review by writing to the following:

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)
Fax: 217-782-1396 E-mail: publicaccess@atg.state.il.us

Sincerely,

Kendra Moore
Freedom of Information Act Officer